

Assembly Bill No. 193

CHAPTER 563

An act to add Section 1122.5 to the Fish and Game Code, relating to fish and game.

[Approved by Governor October 6, 2005. Filed with
Secretary of State October 6, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 193, Maze. Fish and game: Mount Whitney Fish Hatchery.

Existing law requires the Fish and Game Commission to establish fish hatcheries for the purposes of stocking the waters of California with fish, and requires the Department of Fish and Game to maintain and operate those hatcheries.

This bill would authorize the Director of General Services, with the consent of the Department of Fish and Game, to lease the Mount Whitney Fish Hatchery facilities, or any portion thereof, to the Friends of the Mount Whitney Hatchery for a term not to exceed 25 years, and with the possibility of renewal. The bill would require the leased portion of the building to be utilized for specified purposes. This bill would also require the lease to contain provisions that do all of the following: (1) require that any work done on the facility be performed in consultation with the State Office of Historic Preservation; (2) require the Friends of the Mount Whitney Fish Hatchery to permit reasonable public access to the facilities, to obtain and maintain liability insurance for the leased portion of the facilities, and to maintain the leased portion of the facilities at all times; and (3) require that the state, agents of the state, the department, and agents of the department be held harmless from, and indemnified against, any liability resulting from the acts or omissions of the lessee performed in the course of the lease agreement.

This bill would also make a legislative finding and declaration relating to the Mount Whitney Fish Hatchery.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the leasing of a portion of the Mount Whitney Fish Hatchery will serve a statewide public purpose by keeping the hatchery open and running.

SEC. 2. Section 1122.5 is added to the Fish and Game Code, to read:

1122.5. Notwithstanding any other provision of law, the Director of General Services, with the consent of the department, may lease to the Friends of the Mount Whitney Hatchery, at no cost, and subject to any other terms and conditions that the director deems appropriate, for a term

not to exceed 25 years, and with the possibility of renewal, the Mount Whitney Fish Hatchery facilities, or any portion thereof, situated in the County of Inyo. The leased portion of the building shall be used for environmental education purposes and other related activities designed to benefit the hatchery and the community. The lease shall require the Friends of the Mount Whitney Fish Hatchery to permit reasonable public access to the facility, to obtain and maintain liability insurance for the leased portion of the facility, and to maintain the leased portion of the facility at all times. The lease shall provide that any work done on the facility shall be performed in consultation with the State Office of Historic Preservation. The lease shall also provide that the state, agents of the state, the department, and agents of the department shall be held harmless from, and indemnified against, any liability resulting from the acts or omissions of the Friends of the Mount Whitney Fish Hatchery performed in the course of the lease agreement.

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